

MARQUIS AURBACH COFFING

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

**Marquis Aurbach Coffing**

Craig R. Anderson, Esq.

Nevada Bar No. 6882

10001 Park Run Drive

Las Vegas, Nevada 89145

Telephone: (702) 382-0711

Facsimile: (702) 382-5816

canderson@maclaw.com

Attorneys for Defendants LVMPD, Ofc. Fryman, Ofc. Emerton, Ofc. Ferguson and Ofc. Locher

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

JEANNE LLERA and JORGE L. GOMEZ,  
as the appointed co-special administrators of  
the estate of JORGE A. GOMEZ; JEANNE  
LLERA and JORGE L. GOMEZ,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT; RYAN FRYMAN; DAN  
EMERTON; VERNON FERGUSON;  
ANDREW LOCHER; JOHN SQUEO and  
DOES 2-10, inclusive,

Defendants.

Case Number:

2:20-cv-01589-RFB-BNW

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY**

**(SIXTH REQUEST)**

Pursuant to LR 6-1 and LR 26-4, Plaintiffs, by and through their counsel of record, Eric Valenzuela, Esq., of Law Offices of Dale K. Galipo; Defendants LVMPD, Ofc. Fryman, Ofc. Emerton, Ofc. Ferguson and Ofc. Locher ("LVMPD Defendants"), by and through their counsel of record, Craig R. Anderson, Esq., of Marquis Aurbach; and Defendant Officer John Squeo ("Defendant Squeo"), by and through his counsel of record, Daniel R. McNutt, Esq. of McNutt Law Firm, P.C., hereby stipulate and request that this Court extend discovery deadlines in the above-captioned matter sixty (60) days, up to and including April 15, 2022. In support of this stipulation and request, the parties state as follows:

**I. PROCEDURAL HISTORY**

1. On August 29, 2020, the Plaintiffs filed their Complaint. ECF No. 1.

2. On October 1, 2020, the LVMPD Defendants filed their Answer to Plaintiffs' Complaint. ECF No. 11.

3. On November 20, 2020, this Court entered the Discovery Plan and Scheduling Order. ECF No. 14.

4. On February 17, 2021, Plaintiffs filed their First Amended Complaint in this matter. ECF No. 21. The First Amended Complaint named a new defendant – John Squeo.

5. On March 3, 2021, Defendants LVMPD, Fryman, Emerton, Ferguson and Locher filed their Answer to Plaintiffs' First Amended Complaint. ECF No. 25.

6. On March 17, 2021, new Defendant John Squeo filed his Answer to Plaintiffs' First Amended Complaint. ECF No. 29. Defendant Squeo is represented by new counsel and this Answer marked his first appearance in this litigation.

## **II. DISCOVERY COMPLETED TO DATE**

1. The original parties participated in the FRCP 26 conference on November 13, 2020. Defendant Squeo did not participate as he was not named a defendant.

2. The parties agreed to stipulate to extend the time to serve Rule 26 disclosures until after LVMPD had completed its internal criminal investigation into the subject event and released its internal documents to defense counsel.

3. On November 20, 2020, the Court entered the Discovery Plan and Scheduling Order. ECF No. 14.

4. On January 5, 2021, the Plaintiffs served their Initial Disclosures of Witnesses and Documents pursuant to FRCP 26.

5. On January 5, 2021, the LVMPD Defendants served their Initial Disclosures of Witnesses and Documents pursuant to FRCP 26.

6. On January 5, 2021, the LVMPD Defendants served written discovery on all named Plaintiffs.

7. On January 6, 2021, the Plaintiffs served requests for production of documents on Defendant LVMPD.

MARQUIS AURBACH COFFING

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

1           8.       On February 1, 2021, the LVMPD Defendants served their first supplemental  
2 disclosure.

3           9.       On March 5, 2021, Plaintiffs served their responses to the LVMPD  
4 Defendants' discovery requests.

5           10.      On March 15, 2021, LVMPD served their individual responses to Plaintiffs'  
6 written discovery.

7           11.      On March 15, 2021 LVMPD served their second supplemental disclosure.

8           12.      On March 17, 2021, John Squeo served a demand for all prior discovery  
9 exchanged.

10          13.      On March 29, 2021, Plaintiffs served requests for production of documents on  
11 Defendant Squeo.

12          14.      On March 30, 2021, Defendant Squeo provided his initial disclosures.

13          15.      In April 2021, plaintiffs took the depositions of LVMPD witness officers  
14 Connell, Luoto, Velasco, Oniate, Johnson, Perez, and Borggard.

15          16.      In April and May 2021, plaintiffs took the depositions of LVMPD defendant  
16 officers Locher, Ferguson, Squeo and Fryman.

17          17.      On April 7, 2021, Defendant Squeo provided his first supplemental disclosure.

18          18.      On April 14, 2021, Defendant Squeo served written discovery on Plaintiffs.

19          19.      On April 19, 2021, Defendant Squeo provided his second supplemental  
20 disclosure.

21          20.      On April 28, 2021, Defendant Squeo responded to Plaintiffs' written  
22 discovery.

23          21.      On April 29, 2021, the LVMPD Defendants served their third supplemental  
24 disclosure.

25          22.      On May 6, 2021, the LVMPD Defendants served their fourth supplemental  
26 disclosure.

27          23.      On May 18 and 19, 2021, Plaintiffs responded to Defendant Squeo's written  
28 discovery.

MARQUIS AURBACH COFFING

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

1           24.     On May 26, 2021, the LVMPD Defendants served their fifth supplemental  
2 disclosure.

3           25.     In June and July, 2021, Defendants took the depositions of all named plaintiffs.

4           26.     On June 2, 2021, Plaintiffs responded to LVMPD Defendants' written  
5 discovery.

6           27.     On June 28, 2021, the LVMPD Defendants served their sixth supplemental  
7 disclosure.

8           28.     On June 29, 2021, Plaintiffs responded to Defendant Squeo's written  
9 discovery.

10          29.     On July 12, 2021, Defendant Squeo provided his third supplemental disclosure.

11          30.     On July 14, 2021, Defendant Squeo served written discovery on Plaintiffs.

12          31.     On August 10, 2021, the LVMPD Defendants served their seventh  
13 supplemental disclosure.

14          32.     On August 11, 2021, Plaintiffs responded to Defendant Squeo' written  
15 discovery.

16          33.     On August 12, 2021, Plaintiffs served written discovery on Defendant  
17 LVMPD.

18          34.     On August 12, 2021, Plaintiffs responded to Defendant Squeo's written  
19 discovery.

20          35.     On August 16, 2021, LVMPD responded to Plaintiffs' written discovery.

21          36.     On August 31, 2021, the LVMPD Defendants and Defendant Squeo served  
22 their joint expert disclosure.

23          37.     On August 31, 2021, the Plaintiffs served their expert disclosure.

24          38.     On November 5, 2021, the Plaintiffs served their First Supplemental  
25 Disclosure.

26          39.     On November 10, 2021, the LVMPD Defendants served their Eighth  
27 Supplemental Disclosure.

28

1 40. On November 15, 2021, the LVMPD Defendants served their Ninth  
2 Supplemental Disclosure.

3 41. On November 24, 2021, Defendant Squeo served his Fourth Supplemental  
4 Disclosure.

5 42. On December 13, 2021, Defendant Squeo served his Fifth Supplemental  
6 Disclosure.

7 43. On December 15, 2021, the Plaintiffs served their Rebuttal Expert Disclosure.

8 44. On December 14, 2021, the LVMPD Defendants and Defendant Squeo served  
9 their Joint Rebuttal Expert Disclosure.

10 45. The week of December 13, 2021, Defendant Squeo took the depositions of four  
11 (4) LVMPD officers who witnessed portions of the events.

12 46. On December 16, 2021, the LVMPD Defendants responded to Plaintiff Llera's  
13 Second Set of Requests for Production of Documents.

14 47. All parties have retained expert witnesses in this matter.

15 48. All parties have served numerous subpoenas on various third parties.

16 **III. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

17 This case involves the June 1, 2020, fatal officer involved shooting of Jorge A. Gomez,  
18 Jr. The parties have actively litigated his case for the past year. The parties disclosed initial  
19 experts and rebuttal expert reports were submitted on December 14, 2021. Plaintiffs recently  
20 disclosed two percipient witnesses not previously known to Defendants.

21 The parties have learned that scheduling expert depositions will be difficult prior to  
22 the current deadline due to the holidays. In addition, the Defendants just recently learned that  
23 it needs to depose two percipient witnesses.

24 **IV. REMAINING DISCOVERY**

25 1. Plaintiffs need to take the depositions of the Defendants' police practices  
26 expert, medical experts and rebuttal experts.

27 2. Defendants need to take the depositions of the Plaintiffs' police practices  
28 expert, medical expert, and rebuttal experts.

3. Defendants need to depose two percipient witnesses recently disclosed by Plaintiffs.

This section does not limit the parties' ability to conduct other discovery.

**V. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND SCHEDULING ORDER**

LR 26-4 governs modifications of extensions of the Discovery Plan and Scheduling Order. Any stipulation or motion must be made no later than twenty-one (21) days before the expiration of the subject deadline, and comply fully with LR 26-4. The parties are submitting this request twenty-one (21) days before the expert deadline disclosure. Therefore, the parties respectfully request that the modification of a scheduling order be granted. The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Rebuttal Expert Disclosures Pursuant to FRCP 26(a)(2)	December 14, 2021	Passed
Dispositive Motion	February 15, 2022	April 15, 2022
Discovery Cut-Off	January 18, 2022	March 18, 2022
Joint Pre-Trial Order	March 18, 2022	May 18, 2022 (if dispositive motions are filed the deadline for filing the joint pre-trial order will be suspended until 30 days after a decision on the dispositive motions or further court order)

This request for extensions of time is not sought for any improper purpose or for purposes of delay. Due to firm trial settings and the availability of expert witnesses, it has proven difficult to complete the remaining discovery in the current time period.

///

///

///

WHEREFORE, the parties respectfully request that this court extend the discovery dates as outlined in accordance with the table above.

IT IS SO STIPULATED this 20<sup>th</sup> day of December, 2021.

MARQUIS AURBACH COFFING

LAW OFFICES OF DALE K. GALIPO

By: s/Craig R. Anderson  
Craig R. Anderson, Esq.  
Nevada Bar No. 6882  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
Attorney for LVMPD Defendants

By: s/Eric Valenzuela  
Eric Valenzuela, Esq.  
CA Bar No. 284500 (Pro Hac Vice)  
21800 Burbank Boulevard, Suite 310  
Woodland Hills, California 91367  
Attorneys for Plaintiffs

MCNUTT LAW FIRM

By: s/Daniel R. McNutt  
Daniel R. McNutt, Esq.  
Nevada Bar No. 7815  
625 South Eighth Street  
Las Vegas, Nevada 89101  
Attorney for Defendant Squeo

**ORDER**

**IT IS SO ORDERED**

**DATED:** 12:30 pm, December 21, 2021



**BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE**

MARQUIS AURBACH COFFING

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816